

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Gert Bolander Jensen, et al.)	Confirmation No.	2510
Serial No.:	10/590,768)	Art Unit:	1637
Filed/371 date:	November 16, 2007)	Examiner:	Young J. Kim
Title:	METHOD, CHIP, DEVICE AND SYSTEM FOR COLLECTION OF BIOLOGICAL PARTICLES)		
Attorney Docket No.:	16381.851US01)		

**COMMENTS ON THE EXAMINER'S STATEMENT OF
REASONS FOR ALLOWANCE
And NOTATION REGARDING ART OF RECORD**

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants acknowledge with appreciation the allowance of claims 1-9 and 17-19 in the subject application, and the acknowledgment made of the claim for foreign priority under 35 U.S.C. §119(a)-(d) or (f) and receipt of the priority document (Office Action of 11/20/2008).

Applicants agree with the Examiner's Reasons for Allowance to the extent that Applicants also believe claims 1-9 and 17-19 to be patentable. Applicants note here as well that the Statement of Reasons for Allowance does not affect the claim scope explicitly or implicitly; and thus Applicants do not acquiesce or agree in any manner to any assertion that such Reasons may narrow, or that they may be used to interpret a narrowing of the claims. Indeed, Applicants disagree with and expressly reserve the right to traverse, at any time, the Examiner's Statements of Reasons for Allowance to the extent that any statement therein, or in any other part of the prosecution is intended to or

has the effect of limiting any claim scope, explicitly or implicitly, or is intended to or has the effect of limiting any claim scope by stating or implying that all the reasons for patentability are in any way fully enumerated. There may be a number of reasons for allowability which have not or may not have been listed whether in the Statement of Reasons for Allowance or otherwise. Applicants specifically do not acquiesce or agree in any manner as to any assertion in any of Examiner's statements that may be interpreted to narrow the claims to less than their recited and/or intended scope.

Furthermore, Applicants wish to note that although they agree that the cited art does not disclose, teach, suggest or motivate the presently-claimed subject matter, Applicants also note the Patent Office policy as set forth in the August 8, 2003 letter of Stephen G. Kunin, then, the Deputy Commissioner for Patent Examination Policy, where he stated that "it is improper to use a statement of reasons for allowance to attempt to narrow a claim and create an *estoppel* ..." (italicization in the original). And see, MPEP 1302.14: "The examiner's statement of reasons for allowance is the personal opinion of the examiner as to why the claims are allowable. The examiner's statement should not create an *estoppel*." Applicants also note the Examiner's citation and summaries of the art of record, both previously cited and summarized and newly summarized in and with the Notice of Allowance and Statement of Reasons for Allowance; however, other than agreeing in the allowability of the present subject matter, Applicants cannot hereby necessarily agree with any interpretation or application thereof, and thus reserve the right to traverse any and all such interpretations or applications at any time. Applicants do not hereby agree to any interpretation of such art from the Notice of Allowability which would have the effect intentionally or implicitly of narrowing any claim scope.

If there are any questions, please contact the undersigned attorney.

Date: March 18, 2011

Respectfully Submitted,

/peterbscull/

Peter B. Scull, Reg. No. 37,932
Attorney for Applicant